



Caregiver Background Check Bureau & Home Care Services Outreach

Stakeholders Meeting

May 2019

Objectives

Background

Exemption
Process

Exemption
and Clearance
Transfers

Questions

CBCB Staffing



CBCB Home Care Services Statistics

Raps Received: 3,629

Exemption Needed Letters Sent: 1,827

Simplified Exemptions: 400

Standard Exemptions Processed: 629

Transferred Exemptions Processed: 817

Arrest Only: 131

DSS Clearances: 453

Home Care Services

- ▶ California law Assembly Bill 1217 established the Home Care Services Consumer Protection Act
 - ▶ Home Care Organizations
 - ▶ Public Online Registry
 - ▶ Promote Consumer Protection for elderly and disabled individuals.

What Does the Caregiver Background Check Bureau Do?

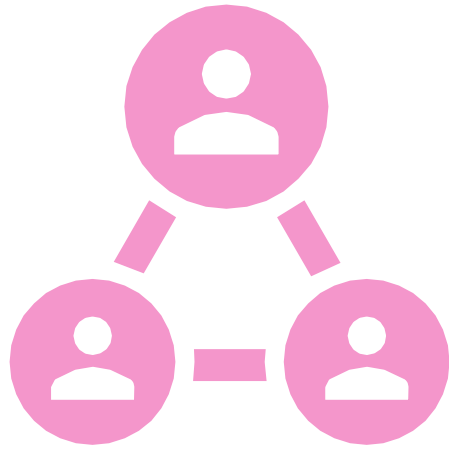


Conducts Backgrounds for Home Care Organizations

- ▶ Any crime other than a minor traffic violation requires a criminal record exemption
 - ▶ Criminal Record Exemption

Background Check Process

Background Check Process



- ▶ Who needs to submit fingerprints?
 - ▶ Licensee applicants
 - ▶ Home Care Aide applicants
 - ▶ Staff/Volunteer/Employees of a HCO who have contact with clients, prospective clients, or access to confidential client information

Background Check Process

- ▶ How does my employee submit fingerprints ?
- ▶ Are we allowed to get the results of the Live Scan?
 - ▶ Criminal Record Statement (LIC 508)
 - ▶ Results are confidential
 - ▶ *Penal Code 11505(b)(9)*

REQUEST FOR LIVE SCAN SERVICE - COMMUNITY CARE LICENSING

Applicant Submission

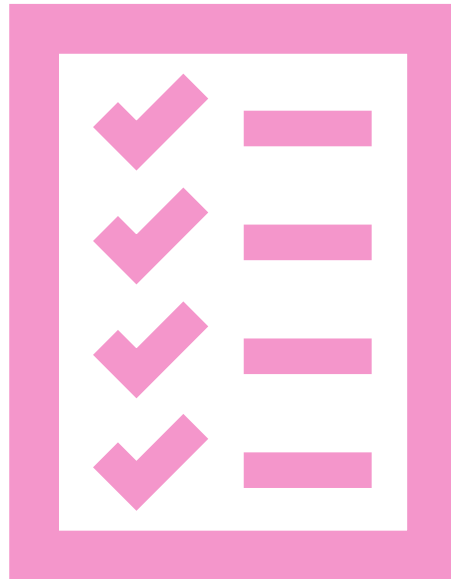
1. ORI: A0448			
2. Working Title: (Check <i>one</i>) <input type="checkbox"/> Adult Resident other than Client <input type="checkbox"/> Employee <input type="checkbox"/> License, Certification, Applicant <input type="checkbox"/> Volunteer <input type="checkbox"/> Home Care Aide Registry Applicant			
3. Authorized Applicant Type - Enter from list on Page 2, "DOJ Abbreviated CCLD Facility/Organization Type."			
4. Agency Address Set Contributing Agency: CA Dept of Social Services Agency authorized to receive criminal history information PO BOX 94244 Mail Station 9-15-62 03502 Street No. Street or PO Box Mail Code (five-digit code assigned by DOJ) Sacramento, CA 94244-2430 N/A City State Zip Code Contact Name (Mandatory for all school submissions) Contact Telephone No. N/A			
5. Applicant Information: Name of Applicant: (Please print) _____ LAST FIRST MI AKA's: _____ LAST FIRST DOB: _____ SEX: <input type="checkbox"/> Male <input type="checkbox"/> Female HT: _____ WT: _____ EYE Color: _____ HAIR Color: _____ POB: _____ SOC: _____ (See Privacy Statement on Page 4) C DL No. _____ Misc. No. BIL - _____ AGENCY BILLING NUMBER (IF APPLICABLE) Misc. No. _____ PERMANENT RESIDENT (YES), OUT OF STATE DRIVERS LICENSE OR I.D. Home Address: (All applicants must complete) STREET OR PO BOX CITY, STATE AND ZIP CODE			
6. Facility/Organization Number: _____ Level of Service <input checked="" type="checkbox"/> DOJ <input checked="" type="checkbox"/> FBI If resubmission for fingerprint quality (select R2), list Original ATI No. _____			
7. Employer: (Additional response for Department of Social Services, DMV/CHP licensing, and Department of Corporations submissions only) Employer Name _____ Street No. Street or PO Box Mail Code (five digit code assigned by DOJ) City State Zip Code Agency Telephone No. (Optional) Live Scan Transaction Completed By: _____ Date _____ Name of Operator Transmitting Agency LSID# ATI No. Amount Collected/Billed			

Background Check Process



- ▶ Why are the fingerprint results taking so long?
 - ▶ Incomplete or incorrect forms
 - ▶ DOJ delay
 - ▶ Fingerprint reject
 - ▶ Error Batch

Background Check Process



An individual must obtain a criminal record clearance or exemption prior to employment or placement on the Home Care Services Registry.

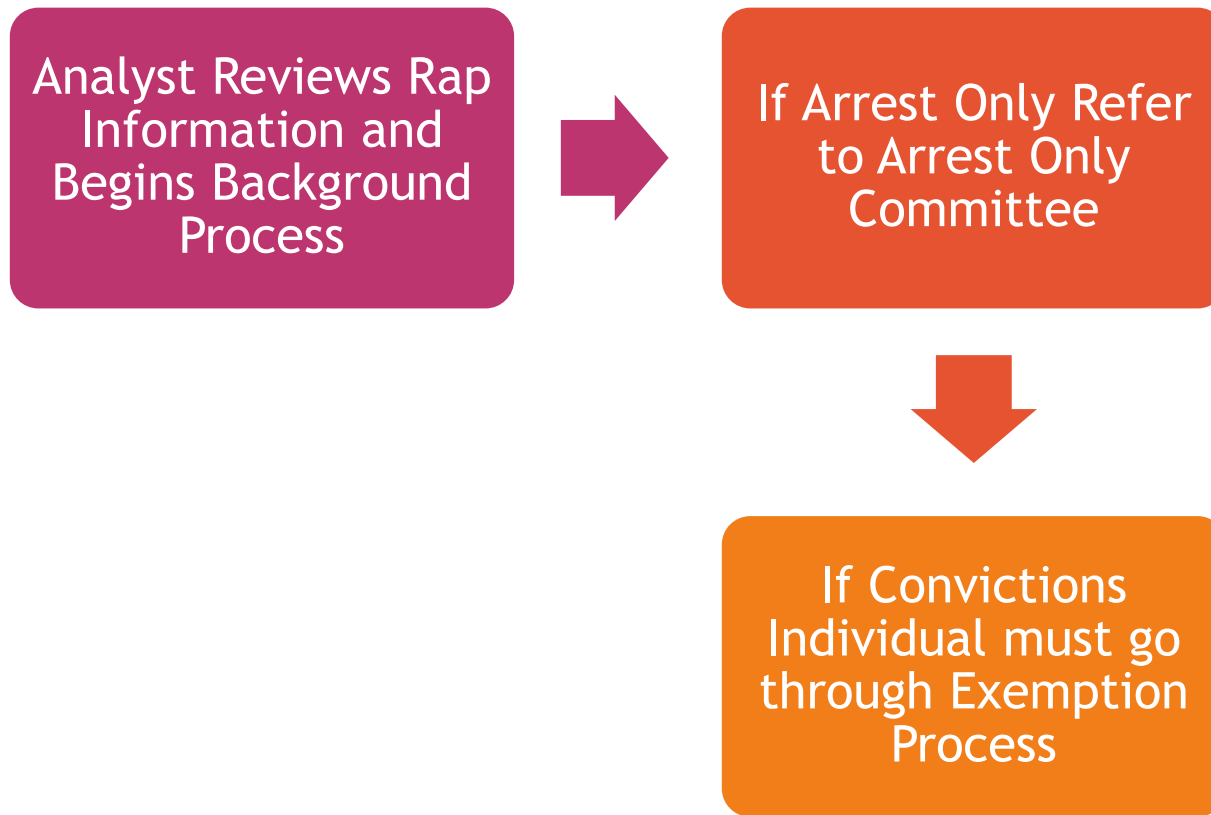
- ▶ LIC 508
- ▶ Live Scan
- ▶ Clearance
- ▶ CBCB Receives Criminal History

Background Check Process

- ▶ What is included with the background check?
 - ▶ DOJ
 - ▶ FBI
 - ▶ Non-Exemptible Crimes
 - ▶ Arrest Information



Background Check Process



Background Check Process

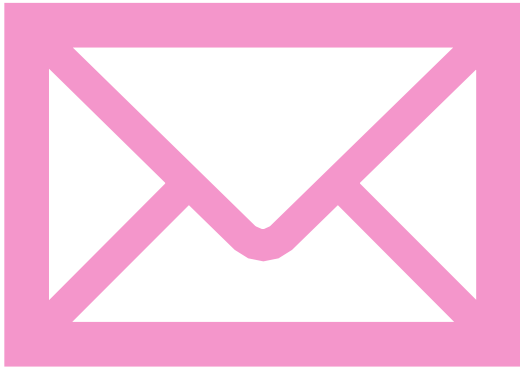
How will I know if an exemption is needed?

- HCO and individual will both receive notice via US Mail

What happens if I do not respond to the exemption needed letter?

- Response is required for exemption request

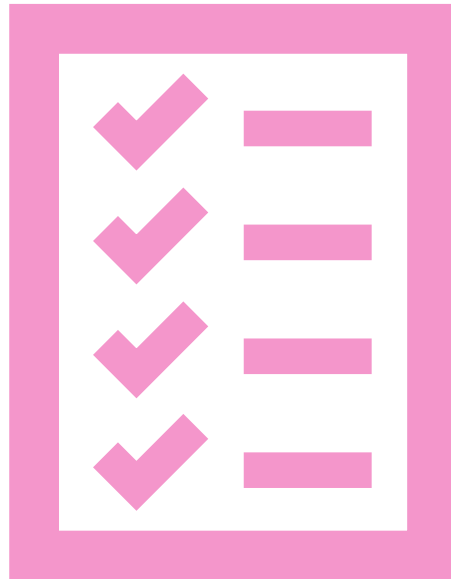
Background Check Process



If an Individual requires a Standard Exemption, CBCB Reviews the Criminal History and sends out Immediate Action Required Letters

- ▶ Home Care Organizations Receive the HCS 2 & Home Care Aids Receives HCS 2C Letters
- ▶ Employees/Licensee of Home Care Organizations Receive CBCB 2 & CBCB 2C Letters

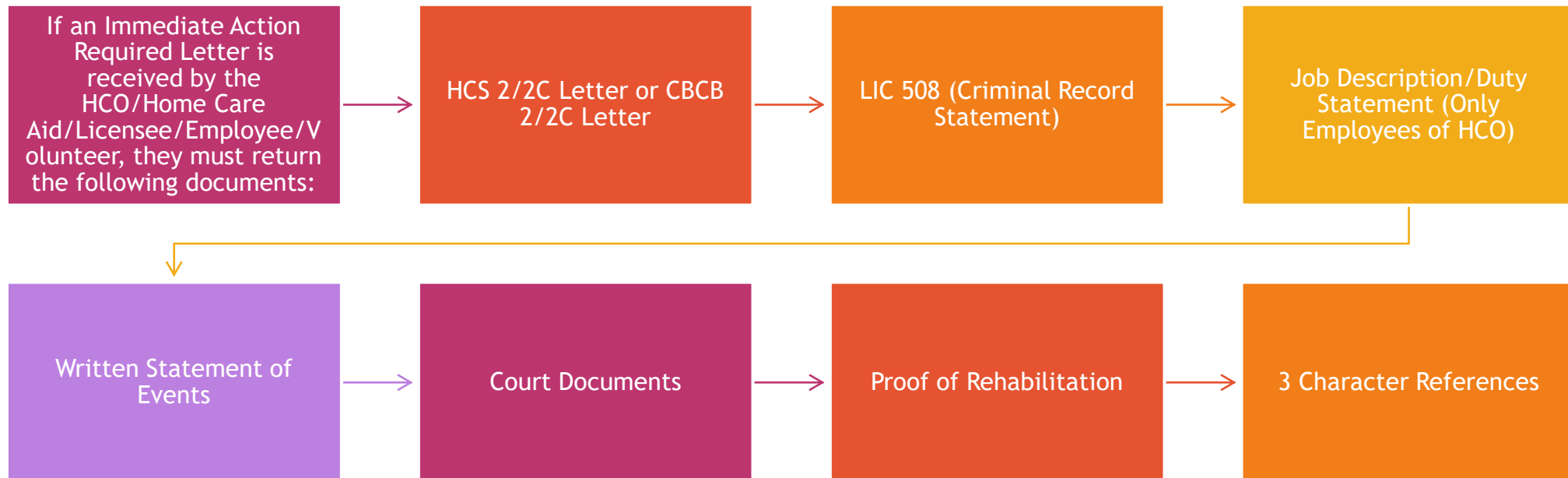
Background Check Process



CBCB Receives Subsequent Criminal History from an individual who already has a clearance/exemption

- ▶ CBCB Reviews and sends out Immediate Action Required Letters if individual can continue to work while going through the exemption process.
 - ▶ Home Care Organizations Receive the HCS 2.1 & Home Care Aide Receives HCS 2.1C Letters
 - ▶ Employees/Licensee of Home Care Organizations Receive CBCB 2.1 & CBCB 2.1C Letters

Background Check Process



Background Check Process

CBCB will make a decision based on the evaluation of all the documents received from the HCO and the Individual.

Type of Crime

Length of Time Since
Conviction

Evidence of Rehab

Honesty

Accepts
Responsibility/Shows
Remorse

Risk of Harm to
Clients

Background Check Process

Analyst determines exemption
recommendation:

- ▶ Simplified
- ▶ Standard
- ▶ Conditional
- ▶ Denials

Background Check Process



- ▶ Simplified Exemption Criteria (*Up to discretion of Analyst*)
 - ▶ No More than One conviction.
 - ▶ Non-violent misdemeanor.
 - ▶ At least 5 years since conviction.
 - ▶ Not plead down from a more serious crime.

Background Check Process

There may be occasions when an Individual will be Approved with a Conditional Exemption.

- ▶ Example: Individual cannot be convicted of any future alcohol related crimes.
- ▶ Example: Individual cannot be convicted of any future drug related crimes.
- ▶ Example: Individual cannot be convicted of any future theft related crimes.
- ▶ Example: Individual cannot be convicted of any future driving related crimes.

Background Check Process

What happens if the exemption request is denied?

- ▶ Denied Exemption = Denied Application
 - ▶ *Pending Registry Status*
 - ▶ *Registered*
- ▶ Denied Exemption = 2 year exclusion


Exemption Transfers

**Individual Previously Granted Exemption
Applying to New HCO, Exemption may be Transferred.**

- ▶ HCO must send to CBCB:
 - ▶ LIC 9188
 - ▶ **Job Description (only if employee)**
 - ▶ Copy of ID
 - ▶ LIC 508
- ▶ CBCB Reviews & Sends Transfer Approval/Denial to HCO

Exemption Transfers

If Transfer Incomplete, AINt letter will be sent to HCO to notify them if the applicant is able to work or reside in the facility during the transfer process & will also request any additional information needed to complete the transfer.



If individual's status is "Active/Not Working" - individual is eligible for transfer. Individual can be disassociated for up to three years before exemption becomes invalid.



If individual's status is "*Inactive*", he/she must re-print and go through the exemption process again.

References

- ▶ Home Care Services Bureau

<http://www.cdss.ca.gov/inforesources/Community-Care/Home-Care-Services>

- ▶ Caregiver Background Check Bureau

<http://www.cdss.ca.gov/inforesources/Community-Care/Caregiver-Background-Check/Background-Check-Process>

- ▶ Health and Safety Code

<http://leginfo.legislature.ca.gov/faces/home.xhtml>

- ▶ Regulations

<http://www.cdss.ca.gov/Portals/9/Regs/f101721r20181114.pdf?ver=2018-12-14-145118-607>

Acronym	Term
AB	Assembly Bill
CBCB	Caregiver Background Check Bureau
CCLD	Community Care Licensing Division
CDPH	California Department of Public Health
CDSS	California Department of Social Services
DDS	Department of Developmental Services (California)
DOJ	Department of Justice (California)
DRA	Domestic Referral Agency
EM	Evaluator Manual
FAQ	Frequently Asked Questions
H&SC	Health and Safety Code
HCA	Home Care Aide
HCO	Home Care Organization
HCS	Home Care Services
HCSB	Home Care Services Bureau
HCSCPA	Home Care Services Consumer Protection Act
IHSS	In Home Supportive Services
LPA	Licensing Program Analyst
RO	Regional Office
SB	Senate Bill
TL	TrustLine

Acronyms



Contact Us

Main Line:

**916-754-4444 or
1-888-422-5669 (VCC line)**

Customer Service Line:

916-754-4530

Customer Service Spanish Line:

916-754-4449

Fax:

916-754-4589

Customer Service Email:

webmaster@dss.ca.gov

Analyst Email:

cbcbanalyst##@dss.ca.gov

DOJ Status Check:

<https://applicantstatus.doj.ca.gov/>

Background Check Questions & Answers

Background Check Questions & Answers

1. Why is it difficult to reach an Analyst/Supervisor at CBCB?
2. Will there ever be a status letter on approvals in waiting or could a check list of missing documentation on the applicant be sent to the agency?

Background Check Questions & Answers

3. If someone is in the process of expungement or in the process of reducing a felony a misdemeanor - is it better for them to get this resolved before they apply or to apply after the record is expunged or the felony is reduced?
4. If someone committed a misdemeanor - is it safe to believe they cannot apply to be registered for two years after the date of the conviction?
5. Why is it that a perfectly good person/care providers are kicked off for having a DUI?

Background Check Questions & Answers

- 6. Are there any future suggestions on if/how the Cal Departments of Health Services, and Social Services would report to each other for Live Scan Results?
- 7. Can we get any parameters for counselling someone who needs an exemption?
- 8. Is it possible to implement a call-back system for those on hold?
- 9. What is the process for combining duplicate ID's? How does CBCB want the information, and how long should the process take?



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